

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: March 5, 2002

By: Jennifer Malony

49/3
49
3/22/02
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

IN RE APPLICATION OF:

Clendennen and Kellogg

APPLICATION NO.: 09/811,093

FILED: March 16, 2001

FOR: MELON PROMOTERS FOR EXPRESSION OF
TRANSGENES IN PLANTS

MAR 20 2002

EXAMINER: Mehta

ART UNIT: 1638

CONFIRMATION NO.: 8290

TECH CENTER 1600/2900

COPY OF PAPERS
ORIGINALLY FILEDAmendment in Response to Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated February 5, 2002, please amend the application as follows.

In the Claims:

Please cancel claims 4 and 6, without prejudice. Please replace claims 1, 5, and 7 with the following substitute claims:

Sub C1 >
1. (Amended) An isolated nucleic acid sequence comprising melon fruit-associated promoter MEL7, characterized by the ability to promote fruit-associated expression of a transgene to which said melon fruit-associated promoter sequence is operably linked.
B1

Sub C2 >
5. (Amended) The isolated nucleic acid sequence of claim 1, wherein the melon fruit-associated promoter MEL7 has the nucleotide sequence presented as SEQ ID NO:42.
B2

Sub C3 >
7. (Amended) A plant expression vector comprising the promoter of claim 5.
B3